UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,901	03/08/2004	Paul Senn	BCK-001.02	1538

			EXAMINER
207 7590 08/25/2006			RAMPURIA, SHARAD K

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ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	10/795,901	SENN ET AL.
	Examiner	**Art Unit**	
	Sharad Rampuria	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 June 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-45</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

I.   The Art Unit location of this application in the USPTO has changed. To aid in

correlating any papers for this application, all further correspondence regarding this application

should be directed to Art Unit 2617.

Terminal Disclaimer

II.   The terminal disclaimer filed on 06/20/2006 disclaiming the terminal portion of any

patent granted on this application, which would extend beyond the expiration date of USP

6704563 has been reviewed and is accepted. The terminal disclaimer has been recorded.

III.   The current office-action is in response to the application filed on 06/09/2006.

Accordingly, Claims 1-45 are imminent for further assessment as follows:

Claim Rejections - 35 USC § 103

V.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

V.   Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan et

al. [US 6075982] in view of Castro [US 5440621].

As per claim 1, Donovan teaches:

A method (Abstract), comprising

Identifying an account balance associated with a request for a communications event, (Col.13;

41-56)

Associating a rate plan with the request, the rate plan being associated with at least two rates,

(Col.12; 38-51) computing a rate schedule based on the at least two rates, (Col.12; 38-51, Col.13;

11-25, 41-56, Table 7, 10) and,

Donovan fails to teach determining duration of the communications event by comparing the rate

schedule to the account balance. However, Castro teaches in an analogous art, that determining a

duration of the communications event by comparing the rate schedule to the account balance.

(Col.8; 7-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time

of invention to modify Castro including determining duration of the communications event by

comparing the rate schedule to the account balance in order to provide an apparatus in the form

of a telecommunication-time metering device or time-metered telecommunication device which

is capable of reading prepurchased telecommunication-time data from a magnetic-strip card, and

processing such data to reflect a decrease in telecommunication-time which is essentially equal

to the time duration lapsed during each telecommunication connection within the associated

telecommunication switching network.

As per claims 2, 19, 36 Donovan teaches:

A method according to claims 1, 18, 32 wherein associating a rate plan with the request includes

associating at least one of: a connection charge rate and a tax charge rate. (Col.12; 1-5)

As per claims 3, 20, 37 Donovan teaches:

A method according to claims 1, 18, 36 wherein computing a rate schedule includes

incorporating at least one of: an initial rate period, at least one fixed fee, available free time, and

a cost per second for the communications event. (Col.13; 11-25)

As per claims 4, 22, 40, Donovan teaches:

A method according to claims 1, 18, 32 wherein the request includes an initiation of a telephone

call. (Col.11; 47-53)

As per claims 5, 23, 41, Donovan teaches:

A method according to claims 1, 18, 32 wherein the request includes an initiation of a cellular

telephone call. (Col.14; 18-26)

As per claims 6, 42-43, Donovan teaches:

A method according to claims 1, 32 wherein identifying an account balance associated with the

request includes at least one of: receiving an account code from a user,

receiving an account code from a recipient,

identifying a device receiving the communications event, and

identifying a device initiating the communications event. (Col.13; 11-25, 41-56)

As per claims 7, 38-39, 44-45 Donovan teaches:

A method according to claims 1, 32 further comprising authorizing completion of the

communications event for the determined duration. (Col.13; 11-25, 41-56, Table 7, 10)

As per claims 8, Donovan teaches:

A method according to claim 7, wherein authorizing completion of the communications event

includes terminating a telephone calls at a switch. (Col.13; 26-35)

As per claims 9, Donovan teaches:

A method according to claim 7, wherein authorizing completion of the communications event

includes terminating a cellular telephone calls at a cellular switch. (Col.14; 32-54)

As per claims 10, 35, Donovan teaches all the particulars of the claim except wherein comparing

the rate schedule to the account balance includes determining a duration of the communications

event for which an accrued cost of the communications event is approximately equal to the

account balance. However, Castro teaches in an analogous art, that method according to claims

1, 32 wherein comparing the rate schedule to the account balance includes determining a

duration of the communications event for which an accrued cost of the communications event is

approximately equal to the account balance. (Col.8; 7-28)

As per claims 11, Donovan teaches:

A method according to claim 1, wherein computing a rate schedule includes incorporating at

least one of: an initial rate period and fixed fees. (Col.13; 11-25, 41-56)

As per claims 12, Donovan teaches:

A method according to claim 1, wherein computing a rate schedule includes at least one of:

computing endpoints of the communications event,

determining a distance of the communications event,

considering time of day of the communications event, and,

considering day of week of the communications event. (Col.13; 11-25, 41-56)

As per claims 13, Donovan teaches:

A method according to claim 1, further comprising, monitoring the communications event for a

rate schedule altering event, and computing an updated rate schedule upon determining the

occurrence of the rate schedule altering event. (Col.13; 11-25, 41-56, Table 7, 10)

As per claim 14, Donovan teaches all the particulars of the claim except updating the account

balance before the rate schedule-altering event, and computing an updated duration of the

communications event by comparing the updated account balance and the updated rate schedule. However, Castro teaches in an analogous art, that a method according to claim 13, further comprising, updating the account balance before the rate schedule altering event, and computing an updated duration of the communications event by comparing the updated account balance and the updated rate schedule. (Col.8; 7-28)

As per claims 15, Donovan teaches:

A method according to claim 13, wherein monitoring the communications event includes determining that a number of parties to the communications event has changed. (Col.13; 11-25, 41-56, Table 7, 10)

As per claims 16, Donovan teaches:

A method according to claim 15, wherein determining that a number of parties to the communications event has changed, includes determining that a new party is added to the communications event. (Col.13; 11-25, 41-56, Table 7, 10)

As per claims 17, Donovan teaches:

A method according to claim 13, wherein monitoring the communications event includes determining a change in a communications event distance. (Col.13; 11-25, 41-56, Table 7, 10)

As per claim 18, Donovan teaches:

A system (Abstract), comprising

at least one communications interface to receive information representative of a request to

initiate a communications event, (Col.11; 47-53)

at least one database (110; Fig.2) to store:

information representative of rate plans for a plurality of communications service providers, each

rate plan associated with at least two rates, (Col.12; 38-51) and

information associated with a plurality of accounts, (110; Fig.2) and

at least one processor coupled to the at least one database and the at least one communications

interface, to identify an account balance associated with the request, to associate a rate plan with

the request, to compute a rate schedule based on the at least two rates (Col.12; 38-51) from the

associated rate plan, and

Donovan fails to teach, to compare the rate schedule to the account balance to determine a

duration for which an accrued cost of the communications event is approximately equal to the

account balance. However, Castro teaches in an analogous art, that, to compare the rate schedule

to the account balance to determine duration for which an accrued cost of the communications

event is approximately equal to the account balance. (Col.8; 7-28)

As per claim 32, Donovan teaches:

A method (Abstract), comprising

storing information representative of rate plans for at least two communications service

providers, each of the rate plans having at least two rates, (Col.12; 38-51)

storing information associated with a at least two user accounts, (Col.12; 38-51)

identifying a request to initiate the communications event, (Col.11; 47-53)

determining an account balance associated with the request, (Col.13; 11-25, 41-56, Table 7, 10)

associating a rate plan with the request, (Col.13; 11-25, 41-56, Table 7, 10)

computing a rate schedule based on the at least two rates of the associated rate plan, and

Donovan fails to teach determining duration of the communications event by comparing the rate

schedule to the account balance. However, Castro teaches in an analogous art, that determining a

duration of the communications event by comparing the rate schedule to the account balance.

(Col.8; 7-28)

Conclusion

VI.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870.

The examiner can normally be reached on M-F. (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to

the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free) or *EBC@uspto.gov*.

Sharad Rampuria
Patent Examiner
Art Unit 2617